



07 AVR. 2011

Dr. Irasema Coronado
JPAC Chair
Commission for Environmental Cooperation
393, St-Jacques Street West, Suite 200
Montreal, Quebec
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Dear Dr. Coronado:

On behalf of the Council of the Commission for Environmental Cooperation (CEC), the Alternate Representatives would like to thank the Joint Public Advisory Committee (JPAC) and its Review Working Group for sharing the Effectiveness Review Report. The Council was pleased to receive five recommendations on items unique to JPAC as well as items affecting JPAC's effectiveness as a result of the relationships and interactions with the Secretariat and Council. Treating each recommendation in turn, we offer the following response.

Recommendation 1. JPAC needs to establish periodic access to Council so that it can offer relevant advice that meets Council's needs and can receive and react to Council's feedback in a timely fashion. JPAC should establish more effective communications by arranging periodic meetings between individual Council members and/or Alternate Representatives and JPAC member(s) from that country. This would ensure that JPAC's strategic priorities are aligned with Council's priorities.

Regarding periodic access to Council, the Council very much appreciates the opportunity to meet with the JPAC and to receive timely advice, and considers this to be one of the main objectives of the annual Council Session. The Council would note, however, that any desire to establish additional meeting opportunities throughout the year must be balanced with not only the availability of the Council and JPAC members, but also the financial resources required to hold such meetings. Further, Council considers it paramount that the JPAC retain its objectivity and impartiality as the CEC's public arm, another important factor when considering increasing the frequency of meetings with the JPAC.

With that said, however, and as indicated during the 2010 Council Session in Guanajuato, Mexico, the Council either directly or through its alternates or designees (the Alternate Representatives, or Alt-Reps), seeks to continue increasing engagement



and communications with JPAC. Moreover, Council also notes that the JPAC Chair's participation during Alt-Rep calls should continue as it provides another avenue for open channels of communications.

Concerning meetings between individual Council members / Alt Reps and JPAC member(s) from that country, the Council refers to both the *North American Agreement on Environmental Cooperation* (NAAEC) and the JPAC Rules of Procedure, which provide for the objectivity and impartiality of the JPAC as the CEC's public arm. Noting that the NAAEC allows only for direction from Council as a whole and that the Rules of Procedure stipulate that JPAC members shall not seek or receive instruction from any government, Council is concerned that individual meetings may create conflict or the appearance of conflict with these provisions.

Recommendation 2. *To be strategically aligned, JPAC needs to maintain a formal connection with the Alternate Representatives. It is recommended that the practice of having the JPAC chair participate in Alternate Representative's meetings continue. Additionally, formal contact with the Alternate Representatives is necessary periodically so that JPAC's contribution of relevant advice is received and responded to in a timely manner.*

Council notes that the JPAC Chair's participation in formal Alt-Rep meetings is consistent with current practice.

Recommendation 3. *Integrate JPAC strategic planning activity with the strategic planning process of the CEC Secretariat. JPAC should take more responsibility for its own agenda by fully participating in the CEC planning and budget process through the establishment of a finance committee to integrate its annual work plan into the CEC budget cycle.*

Council assumes here that the JPAC is referring to the development of the Operational Plans, which contain the annual program and budget. Pursuant to Article 16 of the NAAEC, Council seeks JPAC advice on the annual program and budget.

Council was under the impression that JPAC is responsible for its own agenda, subject, of course, to the NAAEC, the Operational Plan budget and the JPAC Rules of Procedure. Regarding the idea of establishing a finance committee, we would note our desire to enhance accountability, improve transparency and deliver on the priorities of Council but within that, and consistent with the provisions of NAAEC Article 16, Council would not object.

Recommendation 4. *Expand public outreach and increase the effectiveness of JPAC's interactions with the public and its stakeholders by continuing to experiment with the webinar concept and by making better use of technology as an instrument for public discussion, consensus building and assessing public opinion.*

Council supports innovative, cost-effective measures intended to expand public outreach and increase the effectiveness of JPAC's interactions with the public and its stakeholders. Council finds the use of technology to be a constructive avenue to ensure that the resources of the CEC are used to meet the goals of the NAAEC, particularly to promote public participation in conserving, protecting and enhancing the environment.

Recommendation 5. *Moderate the workload challenges of the volunteers that make up JPAC's membership through better use of technology for communicating and consensus building, the provision of consulting and report writing assistance, the provision of orientation briefings and by providing for the allowance of replacement members when workloads clearly preclude member's effective participation.*

Council is extremely grateful for the invaluable public service JPAC members provide to the CEC on a volunteer-basis, and as noted above, Council supports the use of cost-effective technologies for communication. We note that a sizeable portion of the resources presently devoted to JPAC support is in fact used to provide technical, administrative and operational support to the JPAC. There are full time Secretariat employees dedicated solely to the support of the JPAC. We note as well that the JPAC Rules of Procedures provide that the JPAC "shall choose one of its members at each meeting to keep the minutes". Further, Council understands that the Secretariat currently provides orientation briefings to new JPAC members and Council supports this practice.

Finally, regarding replacement JPAC members, Council notes that the NAAEC provides for five JPAC members per country, to be appointed by the Parties. In our view, then, only these members can perform JPAC functions.

JPAC provides five additional recommendations that involve collateral organizations.

Recommendation 6. *Establish a more effective governance model for the CEC. In keeping with the spirit of the original Agreement, Council and its Alternate Representatives should act as a Board of Directors dealing with governance, strategic direction, due diligence, oversight and succession issues.*

Council is firmly committed to improve the governance of the CEC, and to that end, adopted a Governance Proposal in 2009. Through this proposal, important changes to the CEC will be implemented and such changes will be made in a manner consistent with the NAAEC, which establishes the Council as the "governing body" and clearly articulates the Council's very broad functions

Recommendation 7. *While we respect that the GSC was established by Council Resolution to try to deal with issues requiring day-to-day supervision and contact, we recommend that the GSC's role be to assist in the delivery and coordination of program activities exclusive of the administration of the Secretariat. Administration of the Secretariat should be the responsibility of the executive director who in turn should be responsible to Council and the Alternate Representatives acting as a Board of Directors.*

Council created the General Standing Committee to ensure regular communication between the Secretariat and the Parties and to act as first points of contact for the Secretariat and the Executive Director (Council Resolution 95-01) on implementing the Agreement. The Executive Director's responsibilities with respect to the administration of the Secretariat are clearly articulated in the NAAEC. Council notes its satisfaction of and support for the GSC and the Executive Director in exercising their existing responsibilities.

Recommendation 8. *Clearly establish the authority level of the Secretariat's executive director, who, in exercising the responsibilities of a CEO, should have the latitude to implement operational activity once the budget and operational plans are approved. The executive director should be accountable for running the Secretariat in accordance with the strategic goals and direction of Council and the Alternate Representatives, who should meet at least four times per year acting as a Board of Directors.*

As noted previously, the Executive Director's responsibilities are clearly articulated in the NAAEC. Council provided the current Executive Director with a mandate letter which set priorities, requests annual progress reports, and provides for discussion on achievements and shared expectations for the CEC. It is our view that the mandate letter sufficiently clarified the authority of the Executive Director.

The NAAEC, however, does not provide the Executive Director full latitude to implement operational activity. Council oversees the Secretariat, approves the annual program and budget, and may establish and assign responsibilities to ad hoc or standing committees, as needed. The development and implementation of the annual program and budget is an iterative process between the Secretariat and the Parties (via GSC, Alt-Reps and Council-established working groups). Further, it is the Executive Director's responsibility to organize the Secretariat as appropriate to ensure it provides the Parties the support required. Therefore, Council expects that the Executive Director will fulfill his responsibilities as laid out in the NAAEC, including continuing to submit the annual program and budget to Council for approval, and managing the Secretariat with a view to ensuring it provides the necessary technical, administrative and operational support to the Council, Alt-Reps, and committees established by Council, for the implementation of cooperative activities.

Recommendation 9. *Clarify and coordinate the roles of the three CEC components and establish guiding principles for communications among them and all partner organizations, with the intention of removing role ambiguity and time-consuming and costly transactional activity (such as yearly resubmissions of multi-year project plans).*

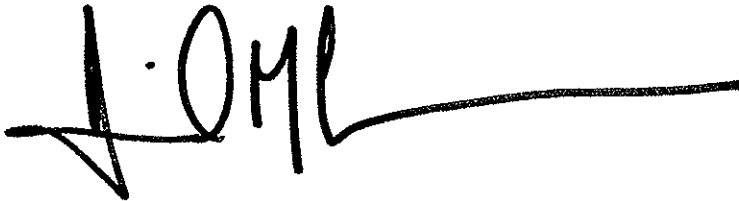
Council refers once again to the NAAEC, which is clear with respect to the roles of each of the three CEC components: Council is the governing body; the Secretariat provides technical, administrative and operational support to Council and to committees and groups established by Council; and JPAC provides an avenue for the public to participate in the Council decisions. Regarding reducing transactional costs of CEC

activities, we note that through our efforts to streamline the cooperative work program we have moved the OP from an annual to a biennial program.

Recommendation 10. *The material contained in the TRAC (Ten-year Review and Assessment Committee) Report and the JPAC at Ten Report contain useful perspectives and recommendations that continue to be consistent with improving the outcomes of the CEC and JPAC. We believe there would be value in the new executive director reviewing them and proposing changes where it makes sense to do so.*

The perspectives and recommendations contained in the TRAC and JPAC at Ten reports were carefully considered and acted upon at the time they were submitted. We would hope that recommendations from the Executive Director would be innovative and forward-looking.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. McGovern', followed by a long horizontal line extending to the right.

David McGovern
Alternate Representative for Canada

cc: Michelle DePass, Alternate Representative for the United States of America
Enrique Lendo, Alternate Representative for Mexico
Evan Lloyd, CEC Executive Director
Marcela Orozco, JPAC Liaison Officer

